

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

KEVIN KEAY,

Case No. 3:16-cv-338-AC

Plaintiff,

JUDGMENT

v.

SGLI SERVICEMANS INSURANCE,

Defendant.

ACOSTA, Magistrate Judge:

On July 6, 2016, this court ordered plaintiff to appear in person at 10:30 a.m. on Monday, August 8, 2016, to show cause why this case should not be dismissed for lack of prosecution due to lack of service. The court additionally ordered plaintiff to file a written statement setting forth the status of the action and whether good cause exists to dismiss for lack of service. Plaintiff failed to

file a written statement or appear on a timely basis. As a result, the court dismissed this action without prejudice on August 8, 2016.

On September 19, 2016, the court granted plaintiff's motion to reconsider the issuance of the judgment of dismissal, and directed plaintiff to file proof of summons with twenty-one days, or by October 10, 2016. Plaintiff failed to comply with this order and has not accomplished service on defendant to date.

On November 7, 2016, this court ordered plaintiff to appear in person at 10:00 a.m. on Monday, November 28, 2016, to show cause for a second time why this case should not be dismissed for lack of prosecution due to lack of service. The court additionally ordered plaintiff to file a written statement setting forth the status of the action and whether good cause exists to dismiss for lack of service. Plaintiff again failed to file a written statement or appear on a timely basis. Accordingly,

IT IS ORDERED and ADJUDGED that plaintiff's complaint and action are DISMISSED, without prejudice, for lack of prosecution. Pending motions, if any, are denied as moot.

DATED this 28th day of November, 2016 .

/s/ John V. Acosta
JOHN V. ACOSTA
United States Magistrate Judge